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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,877	06/29/2001	Wendell P. Noble	MI22-1757	3354
21567	7590	10/29/2004	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201				GURLEY, LYNNE ANN
		ART UNIT		PAPER NUMBER
				2812

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/896,877	NOBLE, WENDELL P.	
	Examiner Lynne A. Gurley	Art Unit 2812	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12/15/03 & the interview summary 9/1/04.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 5-9 and 40-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 5-9 and 40-53 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**LYNNE A. GURLEY**

**PRIMARY PATENT EXAMINER**

**TC 2800, AU 2812**

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 9/1/04.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

**DETAILED ACTION**

This Office Action is in response to the interview summary dated 9/1/04 (attached) and, to the amendment filed 12/15/03.

Currently, claims 5-9 and 40-53 are pending.

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. A new non-final office action follows:

***Specification***

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5-9, and 40-53 are rejected under 35 U.S.C. 102(e) as being anticipated by

Cooper et al. (US 5,604,159, dated 2/19/97, filed 1/31/94).

Art Unit: 2812

Cooper shows the method substantially as claimed (Abstract and figures 1-24 and corresponding text). As explained in the abstract, the diffused/node regions may be formed first, then the isolation region is formed and subsequently a metal line with an interconnect to connect the diffusion/node region to the conductive line. Figure 14 shows that the conductive line (the part of 60 which is in the contact adjacent 34) is laterally spaced from the semiconductive material and diffusion/node region as well as elevationally spaced below the diffusion region/node outer surface. Then the anneal may take place to make the connection between the diffusion/node region and the conductive line with the interconnect 60 above the substrate. Part of the isolation region is removed in order to accommodate the conductive line. The conductive line and the electrically conductive material comprise refractory metals, or polysilicon, or a laminate of different conductive materials (column 5, lines 18-30). An isolation oxide region (figs. 5-7) is formed and a portion of the oxide is removed and replaced with electrically conductive material (figs.11-13).

#### Prior Art of Record

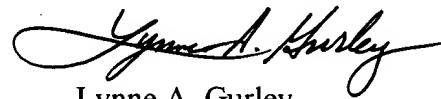
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Shin (US 6,136,701) for an interconnect process without the metal line being elevationally below the diffused region.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne A. Gurley whose telephone number is 571-272-1670. The examiner can normally be reached on M-F 7:30-4:00.

Art Unit: 2812

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John F. Niebling can be reached on 571-272-1679. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-308-0956.



Lynne A. Gurley  
Primary Patent Examiner  
TC 2800, AU 2812

LAG  
October 22, 2004